

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

EDDIE GILL,

Plaintiff,

-vs-

Case No. 15-C-587

CITY OF MILWAUKEE, et al.,

Defendants.

DECISION AND ORDER

On November 9, 2015, the Court granted Detective Mark Peterson's motion to dismiss the claims brought against him by the plaintiff, Eddie Gill. On November 30, 2015, Gill filed an amended complaint, which Peterson moves to strike.

Peterson argues that the Court never granted leave to file an amended complaint. The Court's Scheduling Order states that the parties "may amend pleadings and add parties on or before November 30, 2015." The Court's language could have been more precise, but the intent was to grant leave to file an amendment on or before that date.

Peterson also argues that Gill is attempting to circumvent the Court's Order granting Peterson's motion to dismiss. To the contrary, Gill included the dismissed federal claims in his amended complaint to avoid

any argument that such allegations were never brought in the first place. See *Flannery v. Recording Indus. Ass'n of Am.*, 354 F.3d 632, 638 n.1 (7th Cir. 2004) ("It is axiomatic that an amended complaint supersedes an original complaint and renders the original complaint void"). This is a perfectly appropriate way to ensure that Gill's rights are preserved on appeal.

Peterson's motion to strike [ECF No. 30] is **DENIED**.

Dated at Milwaukee, Wisconsin, this 20th day of January, 2016.

SO ORDERED:



HON. RUDOLPH T. RANDA
U.S. District Judge